



Docket No.: 1293.1702

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Hyun-sig Lim, et al

Serial No. 10/602,002

Group Art Unit: 2615

Confirmation No. 7716

Filed: June 24, 2003

Examiner: FAULK, Devona E.

For: VOLUME CONTROL APPARATUS AND METHOD THEREOF

**COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in the Office Action, mailed October 3, 2007. Applicant provides the following Comments thereon, in accordance with 37 CFR 1.104(e) and MPEP 1302.14.

As specified in MPEP 1302.14, "care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects." It is submitted that the Examiner's Statements do not meet these standards and, instead, raise "possible misinterpretations ... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

The reasons for allowance include descriptions and characteristics of various prior art references, which are submitted to be improper content of "reasons for allowance," as specified in 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14. In particular, a discussion of what the prior art teaches or does not teach is not a suitable reason for allowance.

It is submitted that the claims are not constrained by such limitations as may be implied from the Examiner's Statement, as are noted above, and, instead, that the claims speak for

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themselves as to what features are included therein and thus are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 18, 2007

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